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RETURN TO USIB/S

USIB -D-39. 5/2

10 November 1959

Final

UNITED STATES INTELLIGENCE BOARD

MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

Subject: Policy Statement on Release of Intelligence to Contractors
of USIB Organizations

Attached for information and appropriate action are (a) the policy statement on the above subject approved by the Intelligence Board on 10 November and (b) the agreement for implementing this policy, which was developed by the Committee on Documentation and concurred in (with certain amendments) by the Board on 10 November.

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Executive Secretary

Attachment

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Policy Statement on Release of Intelligence
To Contractors of USIB Organizations

In order for the member agencies to discharge their responsibilities more effectively and without intent to limit such broader authority or responsibility as any may now have under law, NSC directive, or special agreements among them, the United States Intelligence Board is agreed:

- a. That selected classified intelligence material may be made available by recipient agencies to certain contractors without referral to the originating agency, provided that:
 - (1) Releases shall be limited to intelligence contractors, defined as private individuals (including consultants) or organizations under contract to the United States Government for the purpose of performing classified services of an intelligence nature in support of the intelligence mission of an organization member of the United States Intelligence Board.
 - (2) The classified intelligence material to be made available to the intelligence contractors (a) does not bear a security classification above SECRET, (b) does not carry restrictive markings or controls prohibiting release to contractors,

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as contained in DCID 11/2 or elsewhere provided in the
restrictive regulations of the USIB member organizations,
or (c) has not been otherwise identified by the originator
as material which may not be released to contractors.

b. The USIB Committee on Documentation shall issue the necessary
instructions to implement this policy.

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UNITED STATES INTELLIGENCE BOARD
COMMITTEE ON DOCUMENTATION

CODIB-D-42/1

Agreement for Implementing USIB Policy on Release of
Intelligence to Contractors of USIB Organizations

1. This agreement implements the policy on release of intelligence to certain contractors of USIB organizations adopted by the United States Intelligence Board on 10 November (USIB-M-65, Item 8).

2. Definitions. For the purpose of this agreement, the following definitions will apply:

a. Intelligence Contractors: Private individuals (including consultants) or organizations under contract to the United States Government for the purpose of performing classified services of an intelligence nature in support of the intelligence mission of an organization member of the United States Intelligence Board.

b. Intelligence Material: Any document, product or substance on or in which classified intelligence and intelligence information or classified information pertaining to intelligence activities may be recorded or embodied. "Material" includes everything, regardless of its physical character or makeup; i. e., machinery, documents, apparatus, devices, models, photographs, recordings, reproductions, notes, sketches, maps and letters as well as all other products or substances.

c. Release: The visual, oral or physical disclosure of classified intelligence material.

d. Releasing Agency: The organization of the USIB member agency, department, bureau, or commission exercising jurisdiction over the contract.

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3. Procedures: Intelligence material originating within or controlled by a member agency of USIB may be released by another member agency to its intelligence contractors without referral to the originating or controlling agency (hereafter referred to as the "originating" agency) provided all of the following conditions are met:

a. Agencies releasing intelligence material to intelligence contractors shall maintain a record of the material released and shall report such releases to the originating agencies upon request.

b. Intelligence material released to an intelligence contractor does not become the property of the contractor and can be withdrawn from the contractor at any time. Upon expiration of the contract, the releasing agency shall assure that all intelligence materials released under authority of this agreement and all other materials of any kind incorporating data from such intelligence materials are returned to the releasing agency for final disposition.

c. Intelligence materials which are otherwise releasable under this agreement but which bear the stamp "Restricted Data", shall be released to intelligence contractors only on condition that the releasing agency shall have determined that the facility and all individuals concerned are cleared under applicable security regulations for access to "Restricted Data".

d. Intelligence contractors receiving intelligence material will not release the material (a) to any activity or individual of the contractor's organization not directly engaged in providing services under the contract, nor (b) to another contractor (including a subcontractor), government agency, private individual or organization without the consent of the releasing agency.

e. Intelligence material will not be released to foreign nationals who may be intelligence contractors or employees of intelligence contractors, regardless of their level of security clearance, except with the specific permission of the originating agency.

f. Contractors shall be required to maintain such records as will permit them to furnish on demand, the names of individuals who have had access to intelligence materials in their custody.

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g. Channels of communication between intelligence contractors and USIB member agencies shall be controlled by the releasing agency.

h. The releasing agency shall comply with all aspects of security regulations applicable to contractors. (Some of the procedures in paragraphs a through h above are also required by security regulations of member agencies of USIB, but have been included in this agreement for special emphasis as they apply to intelligence material.)

i. Agencies releasing intelligence materials to contractors will insure that the limitations imposed upon the contractor by applicable security regulations and by this agreement are a part of the contractual instrument between the contractor and the releasing agency.

j. Exceptions: The following intelligence materials will not be released to intelligence contractors without the permission of the originating agency:

- (1) Materials classified TOP SECRET.
- (2) Counter-intelligence materials or that material concerning individuals groups, organizations, situations and trends involving actual or potential espionage, sabotage, subversion or sedition, including any investigative report or memorandum originated and disseminated by the FBI.
- (3) Classified materials marked for handling in special dissemination channels.
- (4) National Intelligence Estimates and Special National Intelligence Estimates.
- (5) The following CIA-produced materials:

Current Intelligence Digest
Current Intelligence Weekly Summary
The OCI Handbook (Office of Current Intelligence Handbook)
Studies in Intelligence
Report Projects in the IP and MP series, produced by the CIA Office of Research and Reports (ORR)

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- (6) Intelligence materials produced by J-2, Joint Chiefs of Staff.
- (7) Materials originated or controlled by the Department of State or the Foreign Service of the United States.
- (8) Materials which by reason of sensitivity of content bear special markings (such as contained in DCID 11/2) or warnings which prohibit dissemination to contractors.
- (9) In addition, the releasing agency shall withhold materials which are identified as containing intelligence revealing sensitive and/or covert collection operations, sources or techniques, and materials which pertain to or reveal positions, policies, plans or intelligence operations of a member agency of USIB, including collection operations, sources or techniques.

4. Amendments to the categories of exceptions shall be submitted by the originating agency to the Committee on Documentation for action.

PAUL A. BOREL
Chairman
Committee on Documentation
United States Intelligence Board

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UNITED STATES INTELLIGENCE BOARD

MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

**SUBJECT: Policy Statement on Release of Intelligence to
Contractors of USIB Organizations**

1. The attached memorandum and policy statement were drafted by the USIB Committee on Documentation (CODIB) for Intelligence Board consideration and approval. The memorandum recommends a modification in Board policy to permit the release of selected classified intelligence materials produced by one member agency to certain contractors of another member agency without referral to the originating agency. Tentative CODIB implementing instructions are also attached.

2. This matter will be placed on the agenda for an early USIB meeting, probably that of 10 November.



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Colonel, USAF
Deputy Executive Secretary

Attachments

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UNITED STATES INTELLIGENCE BOARD
COMMITTEE ON DOCUMENTATION

MEMORANDUM FOR :

The Chairman
United States Intelligence Board

SUBJECT

: Policy Statement on Release of Intelligence
to Contractors of USIB Organizations

1. This action paper contains a recommendation for USIB approval in paragraph 7 below. The paper is submitted to USIB pursuant to DCID 1/4, which directs the Committee on Documentation to ". . . promote means . . . for making/. . optimal use of information of intelligence value . . ." and ". . . to recommend policy to the Intelligence Board in the field of documentation . . ." (Paragraphs 2 and 3a, DCID 1/4).

2. The USIB Committee on Documentation recognizes that the limited resources of intelligence organizations of certain member agencies of the USIB have required the increasing use of contractual services as a means of accomplishing intelligence tasks. Existing security regulations (based on Executive Order 10501) prohibit the release of classified intelligence materials produced by one member agency to the contractors of another member agency without the consent of the originator.

3. The Committee has concluded that to perform the intelligence mission of member agencies of the USIB, selected classified intelligence materials originating in various agencies, must be released to the following types of contractors:

- a. Contractors actually operating parts of an agency's intelligence data handling system (e. g., the Battelle Memorial Institute which maintains USAF technical intelligence materials).

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- b. Contractors engaged in research and development of improved intelligence equipment and data handling systems (e. g., Radio Corporation of America under contract to Army, IBM Corporation under contract to CIA),
- c. Contractors performing research for the purpose of producing finished or evaluated intelligence materials (e. g., contractors contributing to portions of the National Intelligence Survey).
- d. Contractors performing research and producing studies which are of intelligence interest to organizations of member agencies of USIB (e. g., the Rand Corporation producing studies under contract to the USAF and contractors performing operational analyses of intelligence activities or of operations which include intelligence activities).

4. Unilateral agreements between agencies have been negotiated or proposed on an ad hoc basis pertaining to individual intelligence contractors, but the number of intelligence contractors employed by member agencies makes solution of this problem through unilateral arrangements unmanageable. Permission to release classified intelligence materials to intelligence contractors is obtained currently from the originator on a document-by-document basis. The administrative burdens of this method of release are beyond the capabilities of most of the agencies involved.

5. Please note that the USIB Committee on Security is now considering the revision of DCID 11/2; Control of Dissemination and Use of Intelligence and Intelligence Information. The present action is not in conflict with the work of that committee but related to it, and has been coordinated with it. On approval, the attached policy statement would therefore provide partial guidance to the Committee on Security in the revision of DCID 11/2.

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6. For your information, CODIB has attached (TAB B) the implementing instructions which it would issue if the recommended policy statement is approved.

7. Recommendation: That the USIB approve the draft policy statement set forth in TAB A.

S/ PAUL A. BOREL
Chairman
Committee on Documentation
United States Intelligence Board

2 Attachments

TAB A Policy Statement
TAB B CODIB Agreement

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TAB A

**USIB-D-39, 5/2
23 October 1959**

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Policy Statement on Release of Intelligence
To Contractors of USIB Organizations

In order for the member agencies to discharge their responsibilities more effectively and without intent to limit such broader authority or responsibility as any may now have under law, NSC directive, or special agreements among them, the United States Intelligence Board is agreed:

- a. That selected classified intelligence material may be made available by recipient agencies to certain contractors without referral to the originating agency, provided that:
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 - (2) The classified intelligence material to be made available to the intelligence contractors (a) does not bear a security

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classification above SECRET, (b) does not carry restrictive markings or controls prohibiting release to contractors, as contained in DCID 11/2 or elsewhere provided in the respective regulations of the USIB member organizations, or (c) has not been otherwise identified by the originator as material which may not be released to contractors.

b. The USIB Committee on Documentation shall issue the necessary instructions to implement this policy.

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